New York Tribune.

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The Tribune uses its best endeavors to insure the trustworthiness of every advertisement it prints and to avoid the publication of all advertisements containing misleading statements or claims.

The Tribune's Fight Is the Public's Fight.

We reproduce in another column the comments of "The New York World" and "The Brooklyn Eagle" and other newspapers on Judge Hand's decision in the Burdick and Curtin contempt cases. It is a pleasure to The Tribune to feel that it has the support and sympathy of its contemporaries in the fight it is making to defeat a new and dangerous encroachment upon the freedom of the press. But that is only as it should be. The Tribune is fighting not alone in its own interest, but in the interest of every other newspaper and of every individual desirous of retaining unimpaired the right to free discussion of public men and public measures.

Everybody who wants to see the government conducted on a basis of fuller publicity and of larger responsibility to the people must revolt at the programme of Russian censorship to which the Treasury Department has committed itself. If a newspaper may print nothing or a public speaker say nothing about the operations of a department which has not been approved in advance by the department's head, one great security against scandal and corruption within the government is relinquished. Newspapers cannot fulfil their duty to the public as agencies of enlightenment and progress unless they are permitted to respect the confidences which alone in many cases enable them to expose crime and drive corruptionists out of office.

The issue is one between a bureaucracy seeking to suppress the truth in its own interest, and the press seeking to reveal the truth in the interest of the community. In such a contest, among a people devoted to rational ideals and freedom, we can see no prospect of a permanent victory for bureaucracy.

Prison Graft and Politics.

Disclosures of incompetence or crookedness in the handling of supplies at Blackwell's Island warranting indictments, of intolerable conditions in the women's prison and little better among the men, and of graft in the Tombs, prove the need of a drastic housecleaning in the Department of Correction. The way in which Commissioner Davis went about the Tombs and Blackwell's Island investigations proves she is well able to handle the situation.

There is nothing new in this. The state of affairs in the Tombs has been a matter of public scandal so long that a grand jury called for the removal of Wright, the official held responsible for it, but nothing happened. Politics intervened. Politics held an incompetent in charge of the penitentiary. Politics fills the wardens' jobs. Where politics is, graft and incompetence are sure to be. There was no politics in Miss Davis's appointment by Mayor Mitchel, and she has shown so far in her official career that she doesn't wear a political hobble skirt. It is to be hoped she'll eject the political incompetents who have descended to her from past epochs, and with the help of further investigations and the District Attorney make her department and all its institutions unhealthy for grafters.

A Demand on the Mayor's Patience.

Nothing could be neater than the way in which the magistrates in the second district reconciled the demands of humanitarianism that eminent local political lights holding nice jobs as court clerks be not added to the already numerous unemployed and the demand of Mayor Mitchel that the magistrates appoint lawyers as clerks in the interest of court efficiency. The clerks retain the jobs and the Mayor got a resolution for a new procedure.

It will doubtless console the Mayor to know that while those politicians to whose presence in clerical place he objected were all reappointed, the magistrates favored—for the future—a "classified service." That means that any politician wishing the extra nice job of chief clerk will have to enter court work as an ordinary clerk, or assistant even, and work up as vacancies occur. In time this may bring about a state of affairs such as the Mayor wished—but his patience will have to be strong.

Louisiana Calls Down Congress.

The State of Louisiana is going to try to prevent the Treasury Department from putting into effect the sugar schedule of the Underwood tariff law. The reductions in duties provided for in that law will become operative to-morrow, sugar becoming free on and after May 1, 1916. Louisiana owns some sugar plantations, and as a party in interest alleges that the Underwood law is invalid because it attempts to repeal Article VIII of the reciprocity treaty with Cuba. Congress, it is argued, has no power to repeal a treaty, which must remain in force until it is denounced under its own terms or is replaced by a new treaty negotiated by the President and ratified by the Senate.

This claim is in conflict with the now pretty generally accepted theory that Congress can repeal taxation provisions of a treaty by legislation. When the Cuban reciprocity treaty was submitted to the Senate that body refused to ratify it unless the House of Representatives should approve the concessions it contained on sugar and tobacco duties. Paragraph VIII of the treaty bound the United States to maintain the Dingley law rates on sugar as long as the treaty itself should be in force, but in the Underwood law Congress expressly abrogated Article VIII. There is little likelihood that the courts will hold that on a question of taxation, measures providing for which must originate in the House of Representatives, the will of the House, concurred in by the Senate and accepted by the President, does not override a treaty.

Louisiana had better luck back in 1893 when the sugar bounty clause of the McKinley law was "suspended" by that eminent Cincinnati constitutionalist, the Hon. Robert E. Bowler, then Controller of the Treasury. Louisiana fought for bounty and the courts made Mr. Bowler withdraw his veto. But getting around an act of Congress and getting around an act of Bowler's are two entirely different propositions.

Plain Speaking About the Courts.

We have received a large number of letters from the bench and bar, as well as from laymen, expressing gratification over our frank criticism of the Court of Appeals in the Becker case. One representative letter of this character we print on this page to-day.

It is a wholesome sign that such plain speaking about our judicial system can take place. The old notion that law and judicial process were sacrosanct, beyond the proper reach of general comment or discussion, is rapidly fading out. The frank, courageous criticism which Mr. Taft has used repeatedly (and used again in Washington last week before the House Judiciary Committee) has gone far to establish a right attitude in this most important concern.

Some of the reforms available are already in sight. Others are in process of development as a result of current debate. Probably no evil is of more importance than such failure of justice as was exhibited in the Becker case. The complete remedy is far from clear. But a general strengthening of trial court powers, including an added respect for a jury's verdict, must in some fashion be achieved. And, in corresponding degree, there must be a large reduction in our appellate courts' sway—or at any rate an end to petty distrust of a trial judge and jury.

Diederichs Vindicates Dewey.

The gist of Admiral von Diederichs's eleven thousand word reply to Admiral Dewey's narrative of Manila Bay appears to be that the American commander insisted upon maintaining effective blockade regulations, to the extent of ascertaining the identity of vessels which sought to enter the harbor and to the extent of firing upon any vessel which refused to comply with the rules.

There could scarcely be wished a more complete vindication of the American commander's course than is thus presented by this eminent German authority. Admiral von Diederichs simply testifies that Admiral Dewey did his duty. For him to have acted otherwise would have been gravely censurable. It is impossible to imagine a German naval officer, in time of war, permitting a blockade to be violated or evaded at will by unidentified vessels of other powers; and if not a German officer, why an American? A blockade under the Stars and Stripes is just as serious a matter as one under the Black Eagle or the Union Jack.

A Real Army of the Unemployed.

The invasion of a church by a thousand unemployed men turns out to have been a little trick of the I. W. W. That enterprising organization has a sense for publicity that would bring large returns in a money making concern. The homeless thousand did not get a chance to sleep in the church which they besieged. But they did get on the front page of every newspaper in the city.

A deserved publicity, too, we think. The whole problem of the unemployed is hopelessly entangled with the vagrancy problem. And no one community can do very much by itself toward carrying the jobless over a period of depression. Also, when the question of central employment agencies comes up for discussion, one of the conclusions reached is that the supposed experts are far from agreeing upon ways and means.

Nevertheless, the feeling that widespread unemployment is a piece of social injustice and a public disgrace is growing steadily. The lazy and the useless will always have their troubles. But the hardship of able, willing men cannot be endured. The conference just concluded in this city recommends a federal bureau of distribution. As a beginning toward the solution of this difficult problem, this measure is entitled to the prompt and serious consideration of Congress.

Martial Law in Germany.

The latest word in the Zabern case is that martial law is supreme in Germany. The Reichstag itself, which was recently so hot against the sabring of citizens for grinning at pickelhaubes, and which passed a vote of censure upon the Imperial Chancellor, now roars as softly as any sucking dove and abandons all its attempts to make the civil authorities supreme in time of peace.

The latest word, we call it, but not the last. It would be a reflection upon humanity, and upon German civilization, to assume that this disposal of the case is a finality. The Reichstag may withdraw bills and dissolve committees, but there is a power behind the Reichstag. The men of Germany have votes, equal and secret, and we may be sure that they will use them without fear.

Every five years since the empire was founded has witnessed an increase in what we may call the vote of protest, the vote of Radicals, Social Democrats and others, who are opposed to a mixture of oligarchical and military rule, until that of the Social Democrats alone has become a plurality among the party pollings. In 1917, if the present Reichstag lives out its term, we shall probably hear another word about Zabern and the prevalence of military law in time of peace; and it may be that what is now a plurality will then be a clear and strong majority. Every such incident as that at Zabern makes straight toward that end.

The Post Road and Some Others.

The recurrent controversy over the Albany Post Road is varied this year with the proposal to make that thoroughfare a state highway. Whether that would protect it from or expose it to trolley invasion is not altogether clear. That it would provide a satisfactory disposition of the whole matter is to be very much doubted.

For the Post Road, at least from this city to the Croton River, cannot properly be considered or treated as a distinct and solitary entity. It is an inseparable part of a great suburban system of roads and parks and streams and what not else, all of which should be taken together and dealt with as a whole.

In Massachusetts there was created years ago a commission which took charge of a broad zone around the City of Boston, with almost absolute authority, and laid out roads and parks, and improved streams and ponds, according to a carefully matured general plan. The result is that the suburbs of Boston are noted for their convenience of arrangement and attractiveness of aspect.

A similar commission, to take charge of New York's northern suburbs, would have an opportunity to do a still finer work, inasmuch as the natural qualities of that region surpass those of perhaps any other suburban tract in this country. From the Hudson to the Sound, and from the Harlem to the Croton, there is an unrivalled opportunity for road and town planning, landscape engineering, and the creation of a suburban residence region that would be unsurpassed by any in the world.

Hungary asks America how best to "swat the fly." As Euclid said of geometry, there is no royal road to swatting. But a folded newspaper, a damp towel, a soft felt hat, or even the outspread hand, is often an effective agent.

Beautiful snow two weeks old, drooling across the park sidewalks in an inky and odorous flood, provokes a wish for the perpetual tropics.

The refusal of the Senate to limit parcel post packages to fifty pounds indicates that there is to be no discrimination against coal dealers and brickyards.

THE TALK OF THE DAY.

The celebration by Chief Justice White of the twentieth anniversary of his appointment to the Supreme Court bench recalled this incident to an old newspaper man: "One evening," he said, "I boarded a Madison avenue surface car at 58th street. There were two passengers in the car when I entered, and I sat opposite them. I saluted the taller one and said: 'This is certainly a unique event—of three passengers, two have been considered by the United States Senate as justices of the Supreme Court.

"'And the third did not have the Senate's consideration, but he has his job.' The men were Wheeler H. Peckham and William B. Hornblower, who had each failed of confirmation for the justiceship to which President Cleveland later appointed Senator White, of Louisiana."

"What a shocking looking dish this is, my dear."
"Perhaps, my love, that's because it is currant pie."—Baltimore American.

A couple of travelling salesmen bumped into each other on Broadway the other day.

"How's business?" queried the first one.

"Rotten," was the answer. "How is it with you?"

"Fine. Simply fine. On my last trip I opened ten new accounts and did a total business of $45,——. I sold one man a $6,000 bill and another one $5,000."

"So? Well, I think I ought to get a commission on those sales."

"Whaddye mean you ought to get a commission on those sales?"

"Sure I ought to. If you hadn't met me you never would have made them."

Tommy—Pop, what is an idealist?

Tommy's Pop—An idealist, my son, is a very young man who thinks all women are angels.—Philadelphia Record.

The Washington correspondent of a New York paper recently took his small son, six years old, to the newspaper men's semi-weekly conference with the President. At the conclusion of the conference he took Tommy up to the President and introduced him.

The President patted Tommy kindly on the head and said: "How are you, my little man? I have often heard your father speak of you."

Tommy was embarrassed, but not to be outdone in courtesy. "Yes, sir," he stammered. "I—I think I've heard him speak of you, too."

But, can Confucius save China from confusion?—Philadelphia Inquirer.

NEW YORK FROM THE SUBURBS.

New York City, they say now, can borrow $38,579,654. She'll borrow it.—Buffalo Enquirer.

Isn't it about time for the New York confidence men to begin selling radium bricks?—Boston Transcript.

Has it occurred to Mayor Mitchel to offer the Hon. "Al" Jennings, of Oklahoma, that police job?—Syracuse Post-Standard.

Before Colonel Goethals undertakes to reform the New York police system he had better send Colonel Gorgas ahead of him to disinfect it.—Pittsburgh Dispatch.

RUSSIA—THAT'S THE WAY!

THE PEOPLE'S COLUMN

An Open Forum for Public Debate.

FRANK CRITICISM OF OUR COURTS

How the Bugaboo of Error Handicaps Courts and Defeats Justice.

To the Editor of The Tribune.

Sir: You are right about the decision of the Court of Appeals of New York concerning Becker.

Judge Goff conducted the trial of Becker with more conservatism than the trial of the gunmen. I happened to be present at the Becker trial. Substantially the same evidence and the same witnesses convicted the gunmen as convicted Becker. The Court of Appeals affirmed one conviction and reversed the other, because of error of the judge below. The dissent of Judge Werner shows a division of opinion.

This bugaboo of error below, always a farce, has been exploded in many states of the Union. The temper of modern times is to affirm verdicts in criminal cases unless there is manifest error. The great trouble is that judges, especially those who have been long on the bench, trained under the common law and accustomed to judge a slight error to be manifest error, cannot overcome their habit of thought. The Constitution provides for the protection of the individual in criminal cases, requiring indictment, reasonable bail, trial by jury, counsel, etc. It does not provide for appeal. Persons can be convicted and punished without appeal. When the statute provides for an appeal the Appellate Court should not set aside verdicts unless for the grossest errors.

In New Jersey in civil cases bills of exception and writs of error are abolished, appeals are taken and are in the nature of a rehearing, and no judgment shall be reversed or new trial granted on the ground of misdirection, or improper admission or exclusion of evidence, or for error as to matter of pleading or procedure, unless after examination of the whole case it shall appear that the error injuriously affects the substantial rights of a party. The English Court of Appeals has much wider powers on review than is given here. In criminal cases in New Jersey no judgment given on any indictment shall be reversed for any imperfection, omission, defect in or lack of form, or for any error, except such as shall or may have prejudiced the defendant in maintaining his defence upon the merits. So you see that all depends upon the attitude or mind of the judge.

This reversal of judgments below by appellate courts is the greatest weakness in court procedure. It really means the escape of the defendant, and it very often happens that this shadow of the appellate court hanging over the judge of the court below makes him so timid and conservative that big culprits who are able to hire astute lawyers often escape.

New York, Feb. 27, 1914. JUSTICE.

THE HAY-PAUNCEFOTE TREATY

Why It Was Necessary to Get Rid of the Clayton-Bulwer Blunder.

To the Editor of The Tribune.

Sir: I have been almost a continuous reader of The Tribune for nearly sixty years, and am now taking the liberty of asking you why the precedent and innovation, as noted in your issue of the 19th? Why did Mr. McKinley and John Hay enter into such a treaty as the Hay-Pauncefote agreement?

AMERICAN CITIZEN.

Titusville, Penn., Feb. 24, 1914.

[The complications began with the Clayton-Bulwer treaty, sixty-four years ago, under which the United States and Great Britain agreed that neither would ever exercise exclusive control over an isthmian canal or fortify it. We were foolish to make that treaty and weak to let it stand as long as we did. But we did so, and when the United States started upon its Panama enterprise it found that inept treaty in the way. Colonel Hay got rid of it by negotiating the Hay-Pauncefote treaty in its place. Under the latter Great Britain surrendered everything which she enjoyed under the Clayton-Bulwer treaty, and conceded our right to the exclusive control and fortification of the canal; asking in return only the stipulation that the canal should be open to the vessels of all nations on equal terms. And the latter is the agreement which we made and which honor and honesty require us faithfully to fulfil.—Ed.]

PRESS UPHOLDS TRIBUNE

Defends Stand of Editor and Reporter in Contempt Case.

REPORTERS IN CONTEMPT.

Two Tribune men were yesterday fined $50 each for contempt of court. They had scored a "beat" by printing advance news in two smuggling cases, and refused to reveal the leak in the federal offices whence it was presumed they drew their information.

The reporters are accused of no crime. They are not even charged with an immoral act. Their contempt consists not in printing advance news but in refusing to aid the United States District Attorney in disciplining his cohorts. No fact was printed by them that was not later given out for publication and spread upon public record.

Presumably, the two men punished would be as quick as any others to come to the help of the government if necessary. Here the call is faint. Justice has not suffered from their act. The Littauers may not have been punished with sufficient severity and impartiality, but that was not the reporters' fault.

Acting upon the advice of the Department of Justice, President Wilson wrote pardons in advance for the accused reporters, holding them secure of punishment if they would give up their informants' names. They have chosen to carry their refusal to the Supreme Court instead. Did any one suppose they would do otherwise? To have betrayed in such a case the men who trusted them would have earned the contempt of many who are not in the profession of journalism, as well as most of those who are.

The Supreme Court may let the fine stand. But one of the Supreme Court's own decisions was once printed in advance and nothing serious came of it, either of public harm or private penalty. It may be actionable contempt of which the two men are accused; but surely there are greater wrongs and more urgent cases demanding the attention of federal prosecuting attorneys.—The New York World.

CONGRATULATIONS.

Our heartiest congratulations are due to The New-York Tribune. Fortuitous advertising is often the best advertising. We had hardly thought The Tribune could hope to have Judge Hand enter so heartily into the furnishing of such advertising to any worthy newspaper enterprise. His decision imposing a $500 fine on each of the loyal Tribune men who refused to give the source of exclusive news is worth more than anything that can be put on the billboards to that publishing corporation. And if the judge keeps his promise and sends the defendants to jail, giving them a habeas corpus case, with appeal to the Supreme Court of the United States, he will deserve further thanks from the defendants' employers.

The freedom of the press is involved. No reporter who would "give away" an informant and surrender that informant to the tender mercies of bureaucratic superiors in the customs service would be worth his salt. Breach of trust is the unpardonable sin in a news-getter. When H. H. Kohlsaat, of "The Chicago Record-Herald," once said that he would justify any reporter in withholding from him, the editor, the source of news if the man had made a promise to do so, he formulated satisfactorily the prevailing newspaper ethics.

Judge Hand is a true philanthropist. He may have the divine attribute of working in a mysterious way his wonders to perform, but he is wholly efficient in his beneficence.—The Brooklyn Eagle.

AN IMPORTANT TEST CASE.

The weakness of the government's case seems to lie in the fact that neither divulging the information that certain men had been detected in smuggling and certain penalties had been imposed nor that such information had been given to the public through the press means that a crime has thereby been committed. The procurement of a pardon for the witnesses in advance thus became a transparent farce. For, unless it be conceded that newspapers and their reporters can be forced to aid in disciplining government officers and employes who have committed no statutory offence, the reporters were under no legal or moral obligation to divulge the source of their information.—The Rochester Democrat and Chronicle, February 22.

VIRTUE OF THE SHUT MOUTH.

Two New York newspaper men, George Burdick and William Curtin, deserve the respectful attention of their superiors and the public for their refusal to testify as to where they obtained the facts admitted to be facts of a story they printed in The New-York Tribune. It may be that they will go to jail, though we think not. If they do go, they will go with a clearer conscience than they could have had had they kept out of it at the cost of their honor.

The newspaper occupies a peculiar place in the ordinary life of the people among whom it circulates. It must, on occasion, be utterly fearless. It must, on occasion, be remarkably cautious. Above all things, it must speak the truth. If it happens that the truth hurts, it must stick by the truth but the very chance of its getting a fact to benefit the public often depends upon the faith and honor of the newspaper man. If he betray a trust, he is doomed, and his paper catches its part of his bad reputation, you may be sure.

The Tribune men in question got a good story, admittedly true. They are haled into court and instructed to tell from whom they received their information. They are even offered signed pardons for some imaginary crime that might be charged against them for printing the truth. They "stand pat" and keep their lips closed, and we are glad of it.

Free speech is a matter supposed to be written into the Bill of Rights as a guarantee of freedom; the refusal to speak to betray is another inborn right that not every machination of governmental torture can destroy in the case of a true man.—The Columbia (S. C.) State, February 23.

WHO LET HIM IN?

From The Utica Daily Press.

A French author declared that he can tell by the way a young American girl receives or gives a kiss what college she has attended. He says the best kisses come from Smith College, that the kiss of the Vassar girl is like a blow, and the ravishing kiss of Mount Holyoke girls can be likened only to a volcano. The graduates of Bryn Mawr kiss without batting an eye and the Harvard Annex girls prefer kisses to bon bons. This may be true, but inquisitive persons would like to know how the French author found out about the kisses of these college girls. Does he speak from observation or from experience?

PRINTING STATE DOCUMENTS.

From The Dundee Advertiser.

So far as the printing of important state documents goes, nothing could exceed the care with which their contents are guarded. In the Foreign Office the printing is done exclusively by an old and trusted compositor in a private and carefully guarded room. When it is necessary to give the work to one of His Majesty's printers, as in the case of the draft of a long bill, the copy is given in minute sections, not exceeding three lines of type, to a large number of compositors.